UNITED STATES DISTRICT COURT WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION

1:15-cv-236-FDW (1:05-CR-253-FDW-DLH-1) (3:06-cr- 152-FDW-1)

KHARI ATIBA MERRITT,)
Petitioner,)
vs.) ORDER
UNITED STATES OF AMERICA,)
Respondent.))

This matter is before the Court on a motion of the United States, (Doc. No. 7), to hold this action in abeyance until the Office of the Solicitor General of the United States makes a decision about whether to seek further review of the Fourth Circuit's decision in <u>United States v. Gardner</u>, No. 14-4533, 2016 WL 2893881 (4th Cir. May 18, 2016).

This Court notes that this matter is currently already stayed, pursuant to a prior Order by this Court. (Doc. No. 6). The Court will allow the stay to continue. To this extent, the Motion to Stay, (Doc. No. 7), is **GRANTED**. The United States shall file a status update with this Court within seven days after the issuance of the Fourth Circuit's mandate in <u>Gardner</u>.

Frank D. Whitney

Chief United States District Judge